

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

Civil Action No. 1:24-cv-03583-VMC

**DRIVE PLANNING, LLC, and
RUSSELL TODD BURKHALTER,**

Defendants,

and

**JACQUELINE BURKHALTER,
THE BURKHALTER RANCH
CORPORATION, DRIVE
PROPERTIES, LLC, DRIVE
GULFPORT PROPERTIES LLC,
and TBR SUPPLY HOUSE, INC.,**

Relief Defendants.

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**DECLARATION OF COURT-APPOINTED RECEIVER
KENNETH D. MURENA**

I, Kenneth D. Murena, state as follows:

1. I am over 18 years of age, am a resident of Miami-Dade County, Florida, and am competent to make this declaration upon knowledge I have gathered pursuant to my appointment and in my role as Receiver of Drive Planning,

LLC (“Drive Planning”) in the above-captioned matter pursuant to the Order Appointing Receiver [ECF No. 10] (the “Appointment Order”).

2. My attorneys, forensic accountants, and I investigated the purchase and ownership of Club 201¹ by reviewing bank account statements, wire confirmations, public records, and a forensic reconstruction of accounts and transactions of Drive Planning to trace the funds used to purchase Club 201.

3. The total purchase price of Club 201 was \$985,708.00, of which Drive Planning paid \$652,375.04 in cash and the remaining balance of \$335,708.00 represented a note assumed by Mr. Burkhalter secured by the liquor license (License No. BEV62-00711). *See* Closing Documents attached as **Exhibit 1**.

4. My review of Drive Planning’s Truist Bank statements confirmed that on March 18, 2024, Drive Planning wired \$25,000 and on March 27, 2024, Drive Planning wired \$627,375.04 to the trust account of Hitchens & Hitchens, P.A., the closing attorneys for the purchase of Club 201. The details of these wire transfers are attached as **Composite Exhibit 2**.

5. My review of Drive Planning’s Truist Bank statements further confirmed additional wires to the bank account of Club 201 totaling \$170,000. The details of these wire transactions are as follows:

¹ Defined terms contained in this declaration have the same meaning as those in my motion for constructive trust to which this Declaration is an exhibit.

Account	Trans. Date	Type	Withdrawals/CC Charges	Name
806935917	04/15/24	Wire	\$50,000.00	Club 201 at the Detroit
806935917	05/16/24	Wire	\$50,000.00	Club 201 at the Detroit
806935917	06/28/24	Check	\$20,000.00	Club 201 at the Detroit
806935917	07/15/24	Check	\$50,000.00	Club 201 at the Detroit
806935917	08/14/24	Check	\$50,000.00	Club 201 at the Detroit

6. The foregoing transfers of funds from Drive Planning were used to purchase and fund Club 201.

7. On the dates that the funds were transferred from Drive Planning's Truist Bank account no. ending in 2951 for the purchase and funding of Club 201, Drive Planning's account contained millions of dollars of Drive Planning investor funds, and was the account used by Drive Planning to receive and disburse investor funds. *See* ECF No. 81.

8. I determined that Drive Planning alone paid the purchase price for Club 201 with funds that investors had deposited into Drive Planning's account for the purpose of investing in a Drive Planning investment program.

9. On August 20, 2024, the SEC's Complaint in this enforcement action and the Appointment Order were filed in the Middle District of Florida, commencing a miscellaneous action in the district in which Club 201 is located in accordance with 28 U.S.C. § 754. *See* Notice of Filing Complaint and Order Appointing Receiver, attached as **Exhibit 3**. On August 21, 2024, the Appointment Order was recorded

in Pinellas County in which Club 201 is located. *See* recorded certified copy of Appointment Order, attached as **Exhibit 4**.

Under penalties of perjury, I declare that I have read the foregoing and that the facts contained therein are true and correct.

/s/ Kenneth D. Murena
Kenneth D. Murena
October 3, 2025